

**DISTRICT COURT OF THE VIRGIN ISLANDS  
DIVISION OF ST. CROIX**

**W. JAMES OELSNER,**

**Plaintiff,**

**v.**

**LYNN MILLIN MADURO, Commissioner,  
Department of Property and Procurement;  
ALICIA BARNES, Commissioner, Department  
of Planning and Natural Resources; and  
NILSON PEREZ, Castillio Recycling,**

**Defendants.**

**Civil Action No. 2014-0062**

**Appearances:**

**W. James Oelsner, *Pro Se***  
St. Thomas, U.S.V.I.

**Dean Barnes, Esq.**  
**Ariel Marie Smith-Francois, Esq.**  
St. Thomas, U.S.V.I.

*For Defendants Lynn Millin Maduro and Alicia Barnes*

No Appearance

*For Defendant Nilson Perez*

**ORDER**

**UPON CONSIDERATION** of Magistrate Judge Ruth Miller's Report and Recommendation (Dkt. No. 78) recommending that Defendants Lynn Millin Maduro and Alicia Barnes' "Motion to Dismiss" (Dkt. No. 62) be granted, and for the reasons stated in the accompanying Memorandum Opinion, filed contemporaneously herewith, it is hereby

**ORDERED** that Magistrate Judge Miller's Report and Recommendation dated March 5, 2024 (Dkt. No. 78) is **ADOPTED AS MODIFIED** in the accompanying Memorandum Opinion; and it is further

**ORDERED** that Defendants Lynn Millin Maduro and Alicia Barnes’ “Motion to Dismiss” (Dkt. No. 62) is **GRANTED**; and it is further

**ORDERED** that Plaintiff W. James Oelsner’s claims against all Defendants are **DISMISSED WITHOUT PREJUDICE** for lack of subject matter jurisdiction.

**SO ORDERED.**

Date: June 14, 2024

\_\_\_\_\_/s/\_\_\_\_\_  
WILMA A. LEWIS  
District Judge